

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DENISE FAHEY-RAMIREZ,

Plaintiff,

-v.-

NESPRESSO USA, INC.,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/14/2025

25 Civ. 1684 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

On April 11, 2025, Defendant moved to dismiss the Complaint under Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure or, in the alternative, to strike the class allegations in accordance with Federal Rules of Civil Procedure 12(f) and 23(d)(1)(D). *See* ECF No. 13. Pursuant to Rule 15(a)(1)(B), a plaintiff has 21 days after service of a Rule 12(b) motion to amend the complaint once as of right.

Accordingly, it is hereby ORDERED that Plaintiff shall file any amended complaint by **May 2, 2024**. In accordance with Rule 1.D of the Court's Individual Rules and Practices in Civil Cases, any amended complaint should be filed with a redline showing all differences between the original and revised filing. Plaintiff will not be given any further opportunity to amend the Complaint to address issues raised by the motion to dismiss absent good cause.

If Plaintiff amends, then the Court will deny the previously filed motion to dismiss as moot. By three weeks after the amended complaint is filed, Defendant shall file an answer or a new motion to dismiss. If Defendant files a new motion to dismiss, any opposition shall be filed within 14 days. Any reply shall be filed within seven days of any opposition.

If no amended complaint is filed, then Plaintiff shall file any opposition to the motion to dismiss by **May 2, 2025**. Defendant's reply, if any, shall be filed by **May 9, 2025**.

SO ORDERED.

Dated: April 14, 2025  
New York, New York



JENNIFER H. REARDEN  
United States District Judge